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20 **UNITED STATES DISTRICT COURT**  
21 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

22 <b>FERNANDO GONZALEZ-VALDIVIA,</b>	) <b>Case No. 2:13-cv-09480-R-AJW</b>
23 <b>Petitioner,</b>	)
24 <b>vs.</b>	) <b>Hon. Andrew J. Wistrich</b>
25 <b>ERIC H. HOLDER, JR.,</b>	)
26 <b>U.S. Attorney General,</b>	) <b>PRIVACY ACT AND</b>
<b>Respondent.</b>	) <b>PROTECTIVE ORDER</b>
	) <b>Hearing Date: N/A</b>
	) <b>Discovery Cutoff: June 16, 2014</b>
	) <b>Pre-trial Conf: October 20, 2014</b>
	) <b>Trial Date: TBD</b>

1 Pursuant to Respondent's ex parte application filed on June 17, 2014, and  
2 for good cause appearing, IT HEREBY ORDERED that:  
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4 A. Respondent is directed to produce to Petitioner unredacted copies of any  
5 nonprivileged documents in its possession, custody, or control that are relevant to  
6 any party's claims or defenses that are otherwise protected from disclosure  
7 pursuant to the Privacy Act. See 5 U.S.C. § 552a(b)(11).  
8

9 B. Such disclosure is subject to the following conditions:

10 1. This Protective Order will govern the entirety of any birth  
11 certificate, passport record, alien file or any other document that contains Privacy  
12 Act material, as well as any copies or summaries made thereof and any information  
13 derived therefrom, including any materials that have been previously produced in  
14 discovery or will be produced through any further discovery taken in this case.  
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17 2. To the extent any documents or records to be provided by the  
18 federal government contain third-party names, addresses, birth dates, or any other  
19 identifying information (i.e., information the use of which would allow the  
20 identification of the person to whom the information relates), such identifying  
21 information shall be deemed confidential (in the ordinary sense) and protected by  
22 this Protective Order. All such Privacy Act information is subject to this  
23 Protective Order and may be used solely for purposes of this litigation.  
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3. Counsel for Respondent shall designate documents containing confidential information as confidential by placing the words “COVERED BY PROTECTIVE ORDER” or the following label (or a substantial equivalent) on them or on any copies thereof, or any cover sheets thereon:

PROTECTED

THIS DOCUMENT IS SUBJECT TO A COURT ORDER IN THE  
FERNANDO GONZALEZ-VALDIVIA V. ERIC H. HOLDER, JR., U.S.  
ATTORNEY GENERAL, CASE (2:13-cv-09480-R-AJW). THIS DOCUMENT  
AND ITS CONTENTS SHALL NOT BE USED, SHOWN OR DISTRIBUTED  
EXCEPT AS PROVIDED IN THE PROTECTIVE ORDER.

4. Protected information may be disclosed only to the following persons and only to the extent necessary for the litigation of this action:

- a. Counsel for Petitioner, Petitioner, counsel for Respondent, Respondent, and any support staff of such counsel assisting in this action;
- b. The Court and its personnel, including court reporters;
- c. Individuals whose testimony is contemplated or actually taken in this action, but only to the extent necessary to elicit testimony concerning the subject matter of

1 information or records produced subject to this Protective  
2 Order;

3  
4 d. Expert witnesses or consultants retained by Petitioner or  
5 Respondent;

6  
7 e. The author of the document or the original source of the  
8 information; and

9  
10 f. any Court of Appeals and its personnel, in the event of an  
11 appeal.

12 5. Upon the signing of this Order by the Court, redactions made  
13 by counsel for Respondent, if any, to the documents marked “COVERED BY  
14 PROTECTIVE ORDER” will not be made for the purpose of protecting the  
15 privacy of third parties who may be identified in the discovered material.

16  
17 Petitioner reserves the right to file a motion to compel for any redacted  
18 information.

19  
20 6. All persons listed in Paragraph 4(A) above to whom identifying  
21 information is disclosed are prohibited from disclosing to, or otherwise discussing  
22 with, any person other than those listed in 4(B)-(F) above, any confidential  
23 information, except as provided in this Protective Order.

24  
25 7. All persons listed in Paragraphs 4(C) and (D) above, to whom  
26 identifying information is disclosed, shall first be required to read the terms of this

1 Protective Order and sign a copy of the Acknowledgment of Protective Order  
2 form, attached hereto as Exhibit A, agreeing to be bound thereby. The signed  
3 Acknowledgment forms shall be maintained by counsel for the Petitioner or  
4 counsel for the Respondent.  
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6 8. Leave is hereby granted to file under seal with the Court any  
7 documents which contain materials subject to this Order, unless a release is  
8 obtained from the third-party to whom the materials pertain, authorizing the  
9 disclosure of such information.  
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11 9. No protected documents or information shall be used at any  
12 hearing, trial or appellate proceeding in this action, unless provision shall be made  
13 for exclusion of the public or unless some other reasonable provision to protect  
14 confidentiality has been made. Where protected documents or information is used  
15 at a hearing, trial or appellate proceeding in this action, the appropriate portion of  
16 the court transcript shall be placed under seal. Such designation shall be limited to  
17 those portions of the transcript the sealing of which is reasonably necessary to  
18 preserve the confidentiality of documents, as well as copies or summaries made  
19 thereof and any information derived therefrom, which are subject to the terms of  
20 this Protective Order.  
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22 10. Inadvertent disclosure of any document or other information  
23 during discovery in this action shall be without prejudice to any claims that such  
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1 material is confidential, privileged, or otherwise protected from discovery within  
2 the meaning of Federal Rule of Civil Procedure 26, and no party to this Protective  
3 Order shall be held to have waived any rights by such inadvertent disclosure. Any  
4 document or information so produced and subject to a subsequent claim of  
5 privilege, work product or other protection, including protection under this  
6 Protective Order, shall be returned immediately to the appropriate party, and such  
7 document or information shall not be introduced into evidence in this or any other  
8 proceeding by any person without either (i) the consent of said party, or (ii) Order  
9 of the Court; nor will such document or information be subject to production (other  
10 than in camera) in any proceeding by virtue of the fact that it was inadvertently  
11 produced in this proceeding.  
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16 11. Within thirty (30) days of the final conclusion of this litigation,  
17 including any appeals, counsel for Petitioner shall collect all documents produced  
18 pursuant to this Protective Order that contain third-party identifying information,  
19 as well as any copies thereof, or any information and notes derived therefrom, and  
20 shall return such documents to counsel for Respondents pursuant to the terms of  
21 this Protective Order. Alternatively, counsel for Petitioner shall destroy said  
22 documents by shredding them and provide counsel for Respondent with  
23 verification of destruction within thirty (30) days of the final conclusion of this  
24 litigation, including any appeals.  
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1           12. Agreement to this Protective Order does not waive any rights of  
2 any party to assert a claim of privilege as to these or similar documents.  
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4           13. Nothing in this agreement shall be deemed to restrict in any  
5 manner the use by any party of its own documents or materials.  
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7           14. Nothing in this agreement shall affect the right of any party to  
8 seek additional protection against the disclosure of documents or materials.  
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10           15. Petitioner may seek written consent authorizing the release of  
11 information from his family or relatives as it relates to their third party information  
12 (Privacy Act Waiver). Disclosure of information related to a third-party who has  
13 executed a Privacy Act Waiver shall be governed by the terms of the Privacy Act  
14 Waiver executed by the third-party.  
15

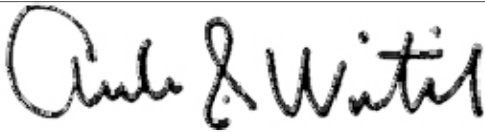
16           16. Any party may apply to this Court at any time, upon proper  
17 notice, for a modification of this Protective Order with respect to the handling or  
18 designation of any document or for any other purpose.  
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20           17. This Order shall be binding upon any present and future party  
21 to the Fernando Gonzalez-Valdivia v. Eric H. Holder, Jr., U.S. Attorney General,  
22 (CV 2:13-cv-09480-R-AJW) litigation.  
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1                   18. This Order shall be effective and enforceable upon its signature  
2 by counsel and by the Court.

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4 IT IS SO ORDERED.

5 DATED: June 18, 2014

  
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HONORABLE ANDREW J. WISTRICH  
UNITED STATES MAGISTRATE JUDGE